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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

**IN RE APPLE INC. STOCKHOLDER
DERIVATIVE LITIGATION**

) Lead Case No. 4:19-cv-05153-YGR
) (Consolidated with Cases No. 4:19-cv-05863-
) YGR, 4:19-cv-05881-YGR, and 4:19-cv-08246-
) YGR)

This Document Relates To:

ALL ACTIONS.

) **STIPULATION AND [PROPOSED]
ORDER REGARDING SCHEDULE**

Judge: Yvonne Gonzalez Rogers
Date Action Filed: August 19, 2019

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1 Plaintiffs Terrence Zehrer, Andrew Fine, Tammy Federman SEP/IRA, and the Rosenfeld Family
2 Foundation (collectively “Plaintiffs”), and nominal defendant Apple Inc. (“Apple”), by and through their
3 undersigned counsel, stipulate as follows:

4 WHEREAS, the Court previously entered orders, pursuant to stipulations submitted by the parties,
5 temporarily staying this action pending further developments in the consolidated securities fraud class
6 action captioned *In re Apple Inc. Securities Litigation*, No. 4:19-cv-02033-YGR (N.D. Cal.) (see Dkt. Nos.
7 43, 47, 49, 51, and 53);

8 WHEREAS, the most recently-entered stay expired on February 1, 2023 (see Dkt. No. 53);

9 WHEREAS, pursuant to paragraph 6 of the most recently-entered stipulation to stay this action
10 (*id.*), the parties have now met and conferred concerning a proposed schedule for further proceedings;

11 WHEREAS, the parties agree it will preserve judicial and party resources to first brief and
12 determine the issue of Plaintiffs’ standing to assert claims derivatively on behalf of Apple, before any
13 briefing takes place on motions raising substantive issues concerning Plaintiffs’ claims pursuant to Federal
14 Rule of Civil Procedure 12(b)(6);

15 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, through their
16 respective counsel of record, as follows:

17 1. On or before May 19, 2023, Plaintiffs shall either (a) file a Consolidated Complaint; or (b)
18 file a notice designating one of the existing Complaints in this action as the operative Consolidated
19 Complaint.

20 2. Nominal Defendant Apple shall file its anticipated motion to dismiss (“Apple’s MTD”) no
21 later than June 19, 2023.

22 3. Plaintiffs shall file an opposition to Apple’s MTD no later than August 3, 2023.

23 4. Nominal Defendant Apple shall file a reply brief in support of Apple’s MTD no later than
24 August 24, 2023.

25 5. A hearing on Apple’s MTD shall be set for October 3, 2023, at 2 p.m., or at a later date and
26 time convenient to the Court.

27 6. The Individual Defendants shall not be required to answer or otherwise respond to the
28 operative complaint pending the Court’s ruling on Apple’s MTD.

1 7. In the event Apple's MTD is denied, counsel will, within 10 days, meet and confer
2 regarding a proposed schedule in connection with the Individual Defendants' response to the operative
3 complaint, and will file a stipulation with the Court regarding the same.

4 8. By entering into this stipulation, the parties do not waive any rights or defenses not
5 specifically addressed herein.

IT IS SO STIPULATED.

8 | Dated: March 20, 2023

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JAMES N. KRAMER
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/s/ James N. Kramer
JAMES N. KRAMER

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1 Dated: March 20, 2023

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Co-Lead Counsel for Plaintiffs

I, James N. Kramer, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Schedule. In compliance with Civil L.R. 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

29 /s/ James N. Kramer
30 JAMES N. KRAMER

* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 27, 2023

Yvonne Gonzalez Rogers
HONORABLE YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE